IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 33230 of 2005(E)

PETITIONER:

LAZAR M.R., ST.RAPHAEL ALUMINIUM
ANODISING CO., PERVANKULANGARA,
THRISSUR.

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENTS:

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1. THE ASST.EXECUTIVE ENGINEER,
KSEB, EMS, MARATHAKKARA,
THRISSUR DISTRICT.

2. THE DEPUTY CHIEF ENGINEER,
APTS, PALAKKAD.

3. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
ADV. SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 33230/2005

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF LETTER NO.B6.5093/2000/EIR DATED 23/08/2000 FROM ELECTRICAL INSPECTOR TO PETITIONER.

P2 : COPY OF MAHAZZAR DATED 05/01/2001 PREPARED BY 1ST RESPONDENT.

P3 : COPY OF BILL DATED 28/05/2001 ISSUED BY 1ST RESPONDENT TO PETITIONER.

P3(a) : COPY OF CALCULATION STATEMENT.

P4 : COPY OF APPEAL DATED 19/08/2005 BY THE PETITIONER TO THE 2ND RESPONDENT.

P5 : COPY OF STATEMENT OF METER READING.

P6 : COPY OF BILL DATED 16/04/2001 ISSUED BY 1ST RESPONDENT TO THE PETITIONER.

P7 : COPY OF BILL DATED 13/05/2001 ISSUED BY THE 1ST RESPONDENT TO PETITIONER.

P8 : COPY OF LETTER NO.BB1/INSP/2001-2002/25/05/2001 ISSUED BY 1ST RESPONDENT TO PETITIONER.

P9 : COPY OF REPRESENTATION DATED 30/07/2001 SUBMITTED BY PETITIONER BEFORE 2ND RESPONDENT.

P10 : COPY OF ORDER DATED 06/10/2005 OF 2ND RESPONDENT.

P11 : COPY OF BILL DATED 14/11/2005 ISSUED BY 1ST RESPONDENT TO petitioner.

P11(a) : COPY OF CALCULATION STATEMENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 33230 of 2005

Dated, this the 18th day of July, 2007

J U D G M E N T

Heard learned counsel for petitioner and learned Standing Counsel for KSEB. Petitioner is challenging penalty bill raised after inspection, modified in appeal and the consequent revised bill produced as Exts.P11 & P11(a). On inspection it was noticed that one phase of the meter was not working and there was an unauthorized additional load of 5 KW. Moreover, petitioner has not installed sufficient capacitors to the motors used in the factory. The appellate authority granted partial relief by accepting petitioner's explanation with regard to the purchase of Keltron rectifiers. However, other additions are sustained. On going through the order in appeal and the Exts.P11 & P11(a) revised bill, I feel some modification is called for, because this Court vide judgment in Writ Appeal No. 1231/2003 held that no penal bill can be raised for proportionate current charges in respect of additional load. In the circumstances, the demand of Rs. 28,325.55 vide Ext.P11(a) is cancelled. However, there is no ground to interfere with the balance demand sustained by the appellate authority. Petitioner is

granted two months' time from now for clearing the balance arrears. This writ petition is partly allowed with the above observation.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg